IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 26241 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AMARSINHBHAI BHOGABHAI SOLANKI - Petitioner(s)
Versus
STATE OF GUJARAT THRO. SECRETARY & 2 - Respondent(s)

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Appearance :
MR ASHISH H SHAH for Petitioner(s) : 1,
MR SATYAM CHAYYA, AGP for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1,
DS AFF.NOT FILED (N) for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 01/02/2007

ORAL JUDGMENT

1. Rule. With the consent of the learned advocate appearing for both the sides, the matter is

finally heard.

2. The petitioner has preferred the petition for challenging the order passed by the District Collector and its confirmation thereof by the State Government, whereby the valuation of the land is fixed at Rs. 200/- per sq. mtr. by the District Valuation Committee as on 01.09.2003.

3. Heard Mr. Ashish Shah for the petitioner and Mr.Chayya, learned AGP for the State Authorities.

4. After hearing the learned advocates appearing for both the sides, it appears that there is no dispute on the point that when the District Valuation Committee finalised the valuation, no opportunity of hearing has been given to the petitioner or the representative of the petitioner. In view of the decision of this Court in the case of **Bharatbhai Kantilal Jethwa Vs. State of Gujarat & Ors.** reported at **2006(2) GLH 303**, when the valuation of the land is to be assessed for the purpose of premium, the hearing is required to be given to the person affected thereby.

5. Under the above circumstances, as no hearing has been given, the impugned orders passed by the Collector and its confirmation thereof by the State Government deserves to be quashed and set aside and hence hereby quashed and set aside

with the further direction to the District Collector to afford opportunity of hearing to the petitioner either before the District Valuation Committee in the event the valuation of the land is to be less than Rs. 50 Lakhs or the hearing will be required to be given by the State Valuation Committee if the valuation of the land is exceeding Rs. 50 Lakhs. It may be recorded that as and when hearing is given to the petitioner, the petitioner may submit detailed representation for supporting his submission with the documentary evidence, if any, and the same would be considered in accordance with law.

6. The petition is allowed to the aforesaid extent. Rule made absolute accordingly. Considering the facts and circumstances, there shall be no order as to cost.

(JAYANT PATEL, J.)

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